



P.O. Box 11263 Columbia, S.C. 29211

October 20, 2006

Mr. Charles L.A. Terreni Chief Clerk/Administrator South Carolina Public Service Commission 101 Executive Center Dr., Suite 100 Columbia, SC 29210

Re: Petition of the Office of Regulatory Staff Regarding Wyboo Plantation

Utilities, Inc.'s Collection and Charging of Unauthorized and Unapproved

Rates

PSC Docket No.: 2006-____-WS

Enclosed for filing please find the original and one (1) copy of the Petition of the Office of Regulatory Staff.

Please note that the attached documents are exact duplicates, with the exception of the form of the signature, of the e-filed copy submitted to the Commission in accordance with its electronic filing instructions.

Please date stamp the one extra copy for our office and return it to me via our courier.

Please let me know if you have any questions.

Sincerely,

Wendy B. Cartledge

Wendy B. Cartledge

WBC/pjm Enclosures

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2006-____-WS

Office of Regulatory Staff,)	
Petitioner,)	PETITION OF THE OFFICE OF
v.)	REGULATORY STAFF
Wyboo Plantation Utilities, Inc.)	
Respondent.		

The Office of Regulatory Staff ("ORS"), by filing this Petition, would respectfully show and request of the Public Service Commission of South Carolina ("Commission"):

- 1. That the Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina vested with the responsibility for the regulation of water and sewerage utilities operating for compensation as set forth in S. C. Code Ann. §58-5-10 et seq. (Supp. 2005).
- 2. That the ORS is charged by law with the duty to represent the public interest of South Carolina in matters before the South Carolina Public Service Commission pursuant to S.C. Code Ann. §58-4-10 et seq. (Supp. 2005). As contained in Title 58, Chapter 4 regarding the ORS, "public interest" means
 - a balancing of the following:
 - (1) concerns of the using and consuming public with respect to public utility services, regardless of the class of customer;
 - (2) economic development and job attraction and retention in South Carolina; and
 - (3) preservation of the financial integrity of the state's public utilities and continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services. S.C. Code Ann. §58-4-10(B)(1) through (3) (Supp. 2005).

- 3. That Wyboo Plantation Utilities, Inc. ("Wyboo") is a public utility, as defined by S. C. Code Ann. §58-5-10(3) (Supp. 2005), providing water and sewer service to the public for compensation in certain areas of South Carolina pursuant to rates approved by the Commission in Docket No. 96-227-W for water service and Docket No. 97-391-S for sewer service and is therefore a public utility subject to the jurisdiction of the Commission.
- 4. In Order No. 96-757 dated November 1, 1996 in Docket No. 96-227-W, the Commission approved Wyboo to charge a monthly water usage rate of \$18.00 per month and an irrigation usage rate (for the months of April through September only) of \$10.00 per month. No water tap fees were approved by the Commission in this Order or in any subsequent Commission orders. A copy of the rates approved by the Commission is attached hereto as Exhibit 1.
- 5. In Order No. 98-33 dated January 19, 1998 in Docket No. 97-391-S, the Commission approved of Wyboo charging a monthly sewer usage rate of \$20.00 per month and a sewer tap fee of \$500.00. A copy of the sewer rates approved by the Commission is attached hereto as Exhibit 2.
- 6. ORS, while conducting an audit of Wyboo, has obtained information indicating that Wyboo has charged water tap fees, impact fees, cut-on fees, cut-off fees, and "illegal water use" fees of certain customers although no water tap fee, impact fee, cut-on fee, cut-off fee, or "illegal water use" fee have been approved by the Commission. As an example, sample bill registry information for Wyboo's customers containing these fees is attached hereto as Exhibit 3.
- 7. ORS also has information that Wyboo has charged certain customers sewer tap fees in excess of the \$500.00 sewer tap fee approved by the Commission. Sample bill registry

information for Wyboo's customers illustrating sewer tap fees charged in excess of the amount approved by the Commission is attached hereto as Exhibit 4.

- 8. ORS has also identified that Wyboo has charged certain customers a "DHEC sewer fee" in the amount of \$2.50 per month from November 2003 to March 2004. DHEC statutes and regulations do not authorize the collection of a DHEC sewer fee. As an example, sample bill registry information for Wyboo's customers listing the identified unauthorized DHEC sewer fees is attached hereto as Exhibit 5.
- 9. S.C. Code Ann. Section 58-5-210 (1976) vests the Commission with the "power and jurisdiction to supervise and regulate the rates and service of every public utility in this State ..."
- 10. Pursuant to 26 S.C. Code Ann. Regs. 103-702.14, 103-703, 103-502.11 and 103-503, Commission approval must be obtained prior to collecting tap fees or any other rates for service. Upon information and belief, Wyboo has violated these regulations. As illustrated in Exhibit 3, Wyboo has charged and collected water tap fees, impact fees, cut-on fees, cut-off fees, and "illegal water use" fees without having obtained Commission approval. Exhibit 4 illustrates the presently identified sewer tap fees charged and collected in excess of the amount approved by the Commission, and Exhibit 5 depicts the identified unauthorized DHEC sewer fees charged and collected by Wyboo.

WHERFORE, ORS prays that the Honorable Commission:

1. Provide to ORS and other interested parties an opportunity to submit evidence regarding Wyboo's practices of charging and collecting unauthorized and unapproved rates and/or charges in the form of water tap fees, impact fees, illegal water use fees, sewer tap fees,

DHEC sewer fees, and/or any other rates or charges not approved and authorized by the Commission;

- 2. Require Wyboo to submit an answer to this Petition within the deadlines prescribed by the Commission's rules and regulations; and
- 3. Require any additional action or relief which the Commission may deem necessary.

Wendy B. Cartledge, Esquire C. Lessie Hammonds, Esquire Office of Regulatory Staff 1441 Main Street, Suite 300 Columbia, SC 29201 Phone: (803) 737-0800

Facsimile: (803) 737-0800 Facsimile: (803) 737-0895 wcartle@regstaff.sc.gov lhammon@regstaff.sc.gov

Columbia, SC October 20, 2006

APPENDIX A

WYBOO PLANTATION UTILITIES, INC.* ROUTE 4 BOX 693 MANNING, S.C. 29102 (803) 478-7889

FILED PURSUANT TO DOCKET NO. 96-227-W - ORDER NO. 96-757 EFFECTIVE DATE: NOVEMBER 1, 1996

THE SCHEDULE OF WATER RATES AND CHARGES ARE AS FOLLOWS:

MONTHLY WATER USAGE RATE

\$18.00 per month

MONTHLY IRRIGATION USAGE RATE (April through September only)

\$10.00 per month

APPENDIX A

WYBOO PLANTATION UTILITIES, INC ROUTE 4, BOX 693 317 PLANTATION DRIVE MANNING, SC 29102 1 (800) 951-2605

FILED PURSUANT TO DOCKET NO. 97-391-S – ORDER NO 98-33 EFFECTIVE DATE: JANUARY 19, 1998

THE SCHEDULE OF SEWER RATES AND CHARGES ARE AS FOLLOWS:

Monthly Sewer Usage Rate - \$ 20.00 Tap Fee - \$ 500.00

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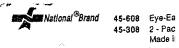
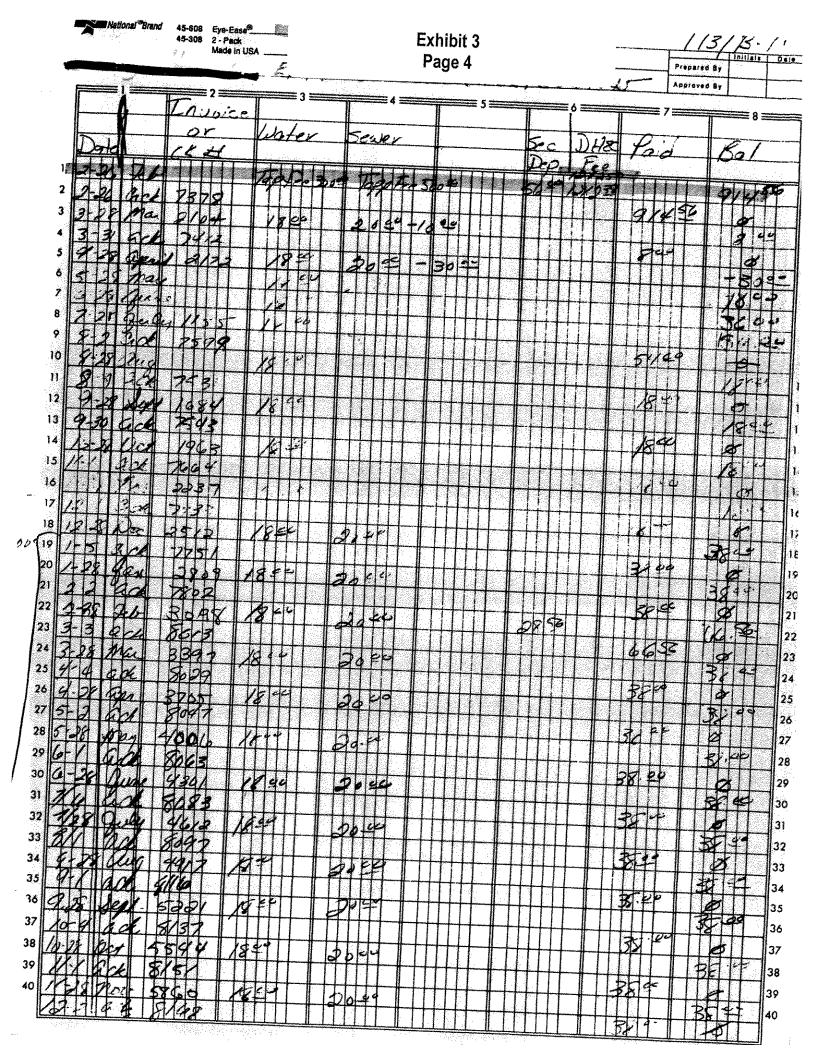
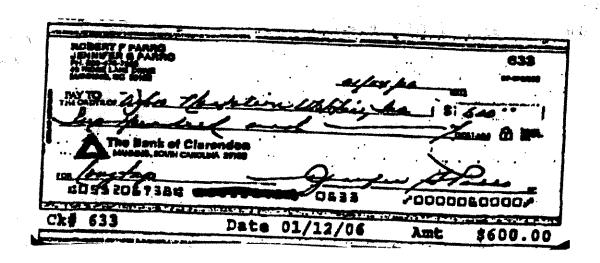


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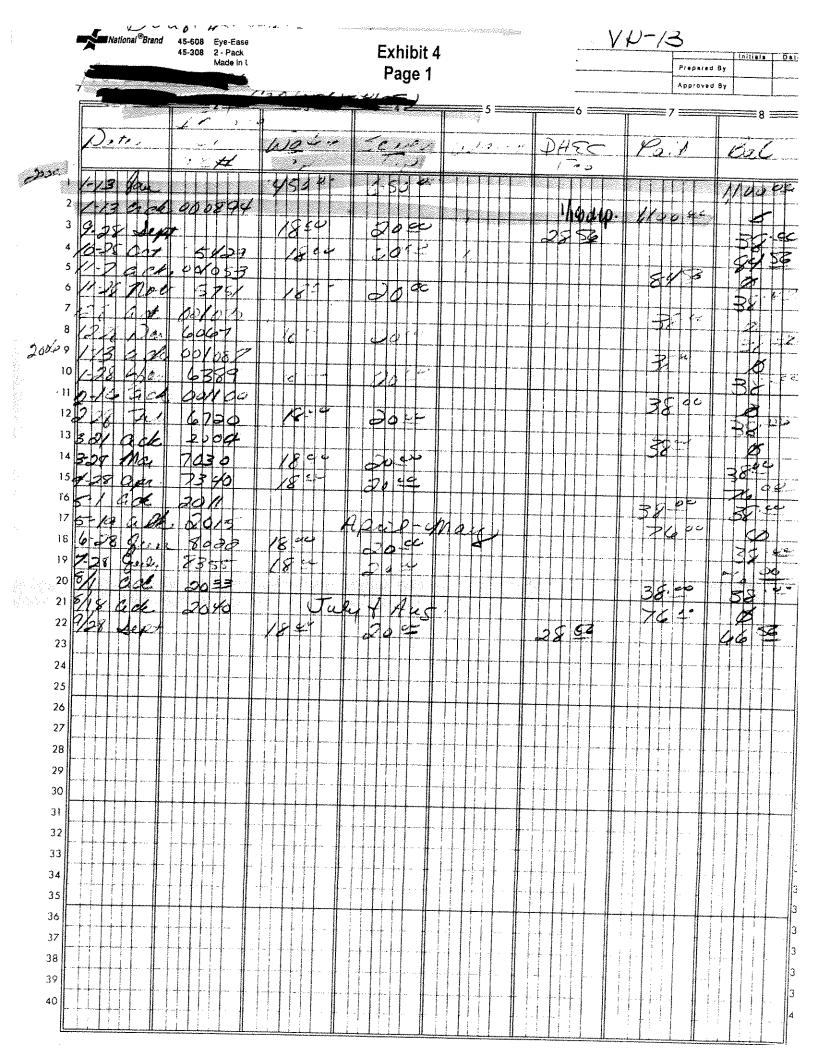




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Exhibit 5 Page 2

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